

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Indictment No.: 11 CR 683 (NG)

v. :

: **NOTICE OF MOTION**

LEE HYMOWITZ,  
MICHAEL FREEMAN, et al.,

Defendants. :

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PLEASE TAKE NOTICE that upon the annexed Memorandum of Law in Support and the Declaration of Maurice H. Sercarz dated December 7, 2012, the undersigned moves this Court, before the Honorable Nina Gershon, at the United States District Court, Eastern District of New York, for an order:

- (1) Dismissing the Indictment; or in the alternative, requiring the government to produce a bill of particulars in accordance with Fed.R.Crim.P. Rule 7(f);
- (2) Severing the defendants Hymowitz and Freeman from the trial of Stevenson Dunn; or, in the alternative, redacting Dunn's post-arrest statement in a manner sufficient to preserve the confrontation rights of his co-defendants;
- (3) Requiring the government to produce Brady material;
- (4) Granting the defendants' request that six weeks prior to trial the government provide defense counsel with expert witness notice and a

listing of any 404(b) material that it intends to introduce against either defendant at trial;

(5) Granting the defendants' request for disclosure of Jencks material one month prior to trial; and

(6) For such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
December 7, 2012

Respectfully submitted,

SERCARZ AND RIOPELLE, LLP

By: s/ Maurice H. Sercarz

152 West 57<sup>th</sup> Street, 24<sup>th</sup> Fl.

New York, New York 10019

Telephone: (212) 586-4900

Email: [msercarz@sercarzandriopelle.com](mailto:msercarz@sercarzandriopelle.com)

*Attorneys for Lee Hymowitz*

LAW OFFICES OF GERALD J. DICHARA

By: s/ Gerald J. DiChiara

3 Park Avenue, 15th Floor

New York, NY 10016

Telephone: (212) 679-1958

Email: [jdichiarag@aol.com](mailto:jdichiarag@aol.com)

*Attorneys for Michael Freeman*

TO: HON. NINA GERSHON

AUSA ANTHONY M. CAPOZZOLO

AUSA CRISTINA M. POSA